

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:17-cv-00062-MOC

SHELLY LINN,

Appellant,

Vs.

LANGDON M. COOPER, ET AL.,

Appellees.

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ORDER

THIS MATTER is before the Court on appellant’s “Petition for Reconsideration and Absolute Performance of the Rules” (#8). This is appellant’s second request that the Court reopen her appeal. Although appellant provides a reason¹ why she failed to heed the instructions of the Clerk of Court or the Orders of this Court requiring action by July 14, 2017, the reason provided does not show excusable neglect inasmuch as the reason in no manner prevented her from responding within the time allowed. Further, the instant petition does not cure the problems with the proposed designation, which is patently frivolous. Incorporating the reasons previously stated (see Order (#7)), this motion is denied.

ORDER

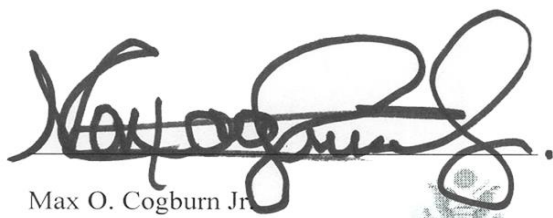
IT IS, THEREFORE, ORDERED that appellant’s “Petition for Reconsideration and Absolute Performance of the Rules” (#8) is **DENIED**.

¹ The Court has minimized its discussion of such reason as it appears that it involves the health and privacy of a third party.

Advice of Appellate Rights

In accordance with Wilder v. Chairman of the Central Classification Bd., 926 F.2d 367, 371 (4th Cir.)("while not mandated, the preferable practice is to include a statement to all final orders involving *pro se* litigants setting forth the litigants' appellate rights"), cert. denied, 502 U.S. 832 (1991), appellant is hereby advised of the right to appeal this decision to the Court of Appeals of the Fourth Circuit in the manner described in Rule 3, Federal Rules of Appellate Procedure, by filing a Notice of Appeal with the Clerk of this Court within the time prescribed in Rule 4, Federal Rules of Appellate Procedure, which is **30 days** from entry of this Order. Failure to file a Notice of Appeal within the first 30-day period after entry of judgment requires the filing of a motion for extension of time and a notice of appeal within the second 30-day period after entry of judgment. Fed. R. App. P. 4(a)(5). See United States ex rel. Leonard v. O'Leary, 788 F.2d 1238, 1240 (7th Cir. 1986).

Signed: September 8, 2017


Max O. Cogburn Jr.
United States District Judge